

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAMID REZA ARDANEH,

Plaintiff,

-against-

U.S. GOVERNMENT, et al.,

Defendants.

1:20-CV-3450 (CM)

TRANSFER ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff Hamid Reza Ardaneh, who is presently held in the Bridgewater State Hospital, in Bridgewater, Massachusetts, brings this *pro se* civil action in an attempt to remove to this Court what appear to be criminal or civil actions pending against him in state courts in Massachusetts. For the following reasons, the Court transfers this action to the United States District Court for the District of Massachusetts.

A defendant in a pending state criminal action who wishes to remove that action to a federal district court must “file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal.” 28 U.S.C. § 1455(a). A similar rule applies to a defendant in a pending state civil action who wishes to remove that action to a federal district court. *See* 28 U.S.C. § 1446(a). Plaintiff’s criminal or civil actions are pending in state courts in Massachusetts. This Court is therefore the wrong venue for this action. Massachusetts constitutes one federal judicial district, the District of Massachusetts. 28 U.S.C. § 101. The Court therefore transfers this action to the United States District Court for the District of Massachusetts. 28 U.S.C. § 1406(a).

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Clerk of Court is further directed to transfer this action to the United States

District Court for the District of Massachusetts. Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. A summons shall not issue from this Court. This order closes this case.

The Court certifies, pursuant to 28 U.S.C § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: May 8, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge